

**ENTERED**

August 06, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MICHAEL RAY WEST,

Plaintiff,

VS.

CECILIA R SELZLER, *et al*,

Defendants.

§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 2:20-CV-38

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION TO DENY  
MOTION TO RECONSIDER**

On May 29, 2020, United States Magistrate Judge Julie K. Hampton issued her “Memorandum and Recommendation to Deny Plaintiff’s Motion to Reconsider” (M&R, D.E. 19), recommending that Plaintiff’s motion to reconsider the order of Final Judgment (D.E. 16) be denied for failing to establish a manifest error of law or fact, and for failing to present newly discovered evidence under Federal Rule of Civil Procedure 59(e). On July 14, 2020, Plaintiff filed his objections to the recommendation. D.E. 31. The Court considers the objections on their merits.

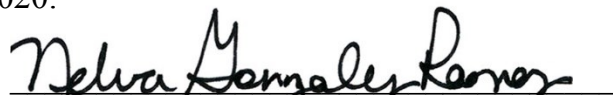
First, Plaintiff restates that his pleadings should be liberally construed as he is acting pro se. *Id.*, p. 2. This Court previously recognized Plaintiff’s status and the rule of liberal construction. D.E. 15, p. 1. Plaintiff has not identified, and the Court has not found, any violation of the rule of liberal construction. The Court **OVERRULES** this objection.

Second, Plaintiff objects to the Magistrate Judge's recommendation because he did not consent to adjudication by the Magistrate Judge. D.E. 31, p. 1. Plaintiff's complaint is incorrect on its face. A district court judge may refer pretrial matters to a magistrate judge. In that event, any dispositive matters are addressed by the magistrate judge in the form of a memorandum and recommendation containing findings of fact and recommendations subject to the district court's independent review. In that scenario, a party's consent is not required. 28 U.S.C. § 636(b) (2009). This referral involves "the entire process tak[ing] place under the district court's total control and jurisdiction." *United States v. Raddatz*, 447 U.S. 667, 681 (1980). And, where such referral occurs, through the district court's supervision over the magistrate judge, the district court retains "jurisdiction over the case at all times." *Thomas v. Arn*, 474 U.S. 140, 154 (1985).

This Court finds no error in the Magistrate Judge's assessment of Plaintiff's Rule 59(e) objection (D.E. 19, p. 3-4), nor does it find that Plaintiff's jurisdictional objection (D.E. 31) is meritorious. Thus, the second objection is **OVERRULED**.

In sum, the plaintiff's objections are **OVERRULED**. Having reviewed the Magistrate Judge's Memorandum and Recommendation (D.E. 19), and all other relevant documents in the record, and finding no error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the motion for reconsideration (D.E. 16) is **DENIED**.

ORDERED this 6th day of August, 2020.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE